

## PROCEDURE 12. PROVISION OF ASSISTANCE TO LAW ENFORCEMENT AUTHORITIES

A. APPLICABILITY

This procedure applies to the provision of assistance by DoD intelligence components to law enforcement authorities. It incorporates the specific limitations on such assistance contained in E.O. 12333 (reference (a)), together with the general limitations and approval requirements of DoD Directive 5525.5 (reference (i)).

B. PROCEDURES

1. Cooperation with law enforcement authorities. Consistent with the limitations contained in DoD Directive 5525.5 (reference (i)), and subsection B.2., below, DoD intelligence components are authorized to cooperate with law enforcement authorities for the purpose of:

a. Investigating or preventing clandestine intelligence activities by foreign powers, international narcotics activities, or international terrorist activities;

b. Protecting DoD employees, information, property, and facilities;  
and

c. Preventing, detecting, or investigating other violations of law.

2. Types of permissible assistance. DoD intelligence components may provide the following types of assistance to law enforcement authorities:

a. Incidentally-acquired information reasonably believed to indicate a violation of ~~federal~~ law shall be provided in accordance with the procedures adopted pursuant to section 1.7 (a) of E.O. 12333 (reference (a));

b. **Incidentally-acquired** information reasonably believed to indicate a violation of state, local, or foreign law may be provided in accordance with procedures adopted by the heads of DoD Components;

c. Specialized equipment and facilities may be provided to federal law enforcement authorities, and, when lives are endangered, to state and local law enforcement authorities, provided such assistance is consistent with, and has been approved by an official authorized pursuant to, enclosure 3 of DoD Directive 5525.5 (reference (i)); and

d. Personnel who are employees of DoD intelligence components may be assigned to assist federal law enforcement authorities, and, when lives are endangered, state and local law enforcement authorities, provided such use is consistent with, and has been approved by an official authorized pursuant to, enclosure 4 of DoD Directive 5525.5 (reference (i)). Such official shall ensure that the General Counsel of the providing DoD Component concurs in such use.

e. Assistance may be rendered to law enforcement agencies and security services of foreign governments or international organizations in accordance with established policy and applicable Status of Forces Agreements; provided, that DoD intelligence components may not request or participate **in** activities of such agencies undertaken against United States persons that would not be permitted such components under these procedures.